

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY UTILITIES COMPANY

ALLEGED FAILURE TO COMPLY WITH
ADMINISTRATIVE REGULATION 807 KAR
5:041, SECTION 3

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) CASE NO. 98-054
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O R D E R

Finding that a procedural schedule should be established to ensure the prompt resolution of this matter,¹ the Commission HEREBY ORDERS that:

1. A formal hearing in this matter shall be held on December 16, 1998 at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, and continuing until completed.

2. Kentucky Utilities Company ("KU") and Commission Staff may, on or before September 4, 1998, serve upon each other a request for production of documents and written interrogatories to be answered by the party served within 10 days of service.

3. KU and Commission Staff may, on or before September 24, 1998, serve upon each other a supplemental request for production of documents and supplemental written interrogatories to be answered by the party served within 10 days of service.

¹ On April 14, 1998, the Commission granted KU's motion to defer further action in this proceeding for 90 days following the submission of Jackson County Rural Electric Cooperative Corp. v. Pub. Serv. Comm'n, No. 96-CI-01130, to the Franklin Circuit Court for decision. As of the date of this Order, no decision in that matter has been rendered.

4. KU and Commission Staff may, on or before October 26, 1998, take the testimony of any person by deposition upon oral examination pursuant to notice or by agreement.

5. KU and Commission Staff may, on or before October 26, 1998, serve upon each other a written request for admission, for purposes of this proceeding only, of the truth of any matter relevant to this proceeding set forth in the request that relates to statements or opinions of fact or of the application of law to fact. The matter is admitted unless, within 10 days after service of the request, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection. The form of the request for admission and the answer or objection thereto shall otherwise be governed by Kentucky Civil Rule 36.

6. On or before November 23, 1998, KU and Commission Staff shall file with the Commission in verified form the direct testimony of each witness that it expects to call at the formal hearing.

7. On or before December 9, 1998, KU and Commission Staff shall file with the Commission in verified form the testimony of each rebuttal witness that it expects to call at the formal hearing.

8. At the hearing in this matter, direct examination of witnesses shall be limited to the authentication and adoption of that written testimony. No summarization of written testimony by the witness shall be permitted.

9. At the hearing in this matter, witnesses who have filed written direct and rebuttal testimony shall present that testimony at the same sitting. Opposing parties may cross-examine such witnesses on both direct and rebuttal testimonies.

10. Opening and closing statements at the hearing in this matter shall not exceed 5 minutes in length.

11. Any party may within 14 days of the filing of the hearing transcript with the Commission submit an initial written brief. Reply briefs may be submitted no later than 7 days after the filing of initial briefs. Initial briefs shall not exceed 25 pages in length. Reply briefs shall not exceed 10 pages in length.

12. Copies of all documents served upon any party shall be filed with the Commission.

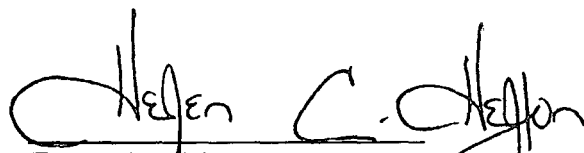
13. To be timely filed with the Commission, a document must be received by the Secretary of the Commission within the specified time for filing except that any document shall be deemed timely filed if it has been transmitted by United States express mail, or by other recognized mail carriers, with the date the transmitting agency received said document from the sender noted by the transmitting agency on the outside of the container used for transmitting, within the time allowed for filing.

14. Service of any document or pleading shall be made in accordance with Administrative Regulation 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

Done at Frankfort, Kentucky, this 18th day of August, 1998.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Director


For the Commission